

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAYER HEALTHCARE AG, ALCON, INC.,)	
)	
and ALCON MANUFACTURING, LTD.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 06-234 SLR
)	
TEVA PHARMACEUTICALS USA, INC.,)	
)	
Defendant.)	
)	

DEFENDANT'S SUPPLEMENTAL NOTICE PURSUANT TO 35 U.S.C. § 282

In accordance with 35 U.S.C. § 282, Defendant Teva Pharmaceuticals USA, Inc. ("Defendant") hereby gives notice to Plaintiffs of the following patents and publications that may be relied on as anticipating or rendering obvious U.S. Patent No. 6,716,830 or showing the state of the art relative to any of the patents-in-suit:

DESCRIPTION	DATE
File history for U.S. Patent Application No. 07/375,434 (issued as U.S. Patent 4,990,517)	12/06/1990
U.S. Patent No. 4,990,517 to Uwe Petersen, Thomas Schenke, Andreas Krebs, Klaus Grohe, Michael Schriewer, Ingo Haller, Karl G. Metzger, Rainer Endermann, and Hans-Joachim Zeiler	12/06/1990
File history for U.S. Patent Application No. 08/406,448 (issued as U.S. Patent 5,607,942)	08/15/2000
U.S. Patent No. 5,607,942 to Uwe Petersen, Thomas Schenke, Andreas Krebs, Klaus Grohe, Michael Schriewer, Ingo Haller, Karl G. Metzger, Rainer Endermann, and Hans-Joachim Zeiler	08/15/2000
File history for U.S. Patent Application No. 10/200,868 (issued as U.S. Patent 6,716,830)	03/18/2004
U.S. Patent No. 5,059,597 to Uwe Petersen, Thomas Schenke, Andreas Krebs, Klaus Grohe, Michael Schriewer, Ingo Haller, Karl G. Metzger, Rainer Endermann, and Hans-Joachim Zeiler	10/22/1991
File history for U.S. Patent Application No. 07/580,906 (issued as U.S. Patent 5,059,597)	10/22/1991

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U.S. Patent No. 5,416,096 to Uwe Petersen, Thomas Schenke, Andreas Krebs, Klaus Grohe, Michael Schriewer, Ingo Haller, Karl G. Metzger, Rainer Endermann, and Hans-Joachim Zeiler	5/16/1995
File history for U.S. Patent Application No. 07/737,631 (issued as U.S. Patent 5,416,096)	5/16/1995
File history for U.S. Patent Application No. 08/026,906	5/17/1995
<i>Firestone, B.A. et al.</i> , "Solubility characteristics of three fluoroquinolone ophthalmic solutions in an <i>in vitro</i> tear model," <i>Int'l Journal of Pharmaceutics</i> 164 (1998) 119-128	Accepted for publication 11/26/1997
<i>Dalhoff et al.</i> , "In vitro activity of BAY 12-8039, a new 8-methoxyquinolone," <i>Chemotherapy</i> , Vol. 42, No. 6, pp. 410-425 (1996)	November – December 1996
<i>Schmitz et al.</i> , "Relationship between ciprofloxacin, ofloxacin, levofloxacin, sparfloxacin and moxifloxacin (BAY 12-8039) MICs and mutations in <i>griA</i> , <i>griB</i> , <i>gyrA</i> , and <i>gyrB</i> in 116 unrelated clinical isolates of <i>Staphylococcus aureus</i> ," <i>J. Antimicrob. Chemother.</i> , Vol. 41, pp. 481-484	April 1998
USP Dictionary of USAN and International Drug Names (2000 edition), p. 479	2000
<i>Remington: The Science and Practice of Pharmacy</i> , 19 th ed. (1995); Ch. 89: Ophthalmic Preparations (author: Gerald Hecht), pp. 1563-1579 (Mack Publishing Co., Easton, Pa.)	1995
<i>Modern Pharmaceutics</i> , 2 nd ed. (1990), Ch. 14: Design and Evaluation of Ophthalmic Pharmaceutical Products (Marcel Dekker, Inc., New York)	1990
Entry for "Ciloxan Solution/Drops; Ophthalmic" in the U.S. Food and Drug Administration's <u>Approved Drug Products with Therapeutics Equivalence Evaluations</u>	7/24/2007
Monograph for Ciloxan from the 53 rd edition of the Physicians' Desk Reference, pp. 490-491	1999
Poster entitled "Synthesis and In Vitro Activity of BAY12-8039, a New 8-Methoxyquinolone"	1996
Abstract entitled "Synthesis and In Vitro Activity of BAY12-8039, a New 8-Methoxyquinolone"	1996
Monograph for Ciloxan from the 50 th edition of the Physicians' Desk Reference, pp. 472-473	1996
Monograph for Tobradex Ophthalmic Suspension from the 50 th edition of the Physicians' Desk Reference, pp. 473-474	1996
Entry for "Ciloxan Ointment; Ophthalmic" in the U.S. Food and Drug Administration's <u>Approved Drug Products with Therapeutic Equivalence Evaluations</u>	7/23/2007
U.S. Patent No. 5,149,693 to Gerald D. Cagle, Thomas O. McDonald, and Allan L. Rosenthal	9/22/1992

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<i>Snyder, et al.</i> , "Ciprofloxacin-resistant Bacterial Keratitis," <i>Am. J. Ophthalmol.</i> , 114:336-338	September 1992
<i>Forster</i> , "The Management of Infectious Keratitis As We Approach the 21 st Century," <i>The CLAO Journal</i> , Vol. 24, No. 3, pp. 175-180	July 1998
<i>Zurenko, et al.</i> , "Oxazolidinone antibacterial agents: development of the clinical candidates eperezolid and linezolid," <i>Ex. Opin. Invest. Drugs</i> (1997) 6(2): 151-158	1997
<i>Yasaga, et al.</i> , "Efficacy of New Streptogramin(Synercid) and Oxazolidinone(Linezolid) antibiotics against Vancomycin Reduced and Multi-Drug Resistant Staphylococci recovered from Endophthalmitis cultures" (Abstract)	3/15/2001
<i>Callegan, et al.</i> , "Antibacterial Activity of the Fourth-Generation Fluoroquinolones Gatifloxacin and Moxifloxacin Against Ocular Pathogens," <i>Adv. Chemother.</i> 20(5): 246-252	September/October 2003
<i>Rubinstein</i> , "History of Quinolones and Their Side Effects," <i>Chemother.</i> 2001; 47(suppl 3): 3-8, 44-46	2001
Internet page printout entitled "Search results from the 'OB_Rx' table for query on '019537'" (Orange Book records for Cipro)	10/29/2007
<i>O'Brien et al.</i> , "Topical Ciprofloxacin Treatment of <i>Pseudomonas</i> Keratitis in Rabbits," <i>Arch. Ophthalmol.</i> 106: 1444-1446	10/1998
Internet page printout entitled "Search results from the 'OB_Rx' table for query on '019735'" (Orange Book records for Floxin)	12/16/1997 (approval date)
<i>Borrmann et al.</i> , "Ofloxacin in Human Serum, Urine, and Tear Film After Topical Application," <i>Cornea</i> 11(3): 226-230	1992
U.S. Patent No. 6,395,746 to Gerald Cagle, Robert L. Abshire, David W. Stroman, and John M. Yanni	5/28/2002
<i>Liu</i> , "Pharmacokinetics of Sparfloxacin in the Serum and Vitreous Humor of Rabbits: Physicochemical Properties That Regulate Penetration of Quinolone Antimicrobials," <i>Antimicrob. Agents Chemother.</i> 42: 1417-1423	6/1998
<i>Robertson et al.</i> , "Absorption and Distribution of Moxifloxacin, Ofloxacin and Gatifloxacin into Ocular Tissues and Plasma Following Topical Ocular Administration to Pigmented Rabbits," <i>Invest. Ophthalmol. Vis. Sci.</i> 2004:45: E-Abstract 4906 (Abstract)	2004
<i>Solomon et al.</i> , "Penetration of Topically Applied Gatifloxacin 0.3%, Moxifloxacin 0.5%, and Ciprofloxacin 0.3% into the Aqueous Humor," <i>Ophthalmology</i> 112(3): 466-469	3/2005

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<i>Woodcock et al.</i> , "In Vitro Activity of BAY 12-8039, a New Fluoroquinolone," Antimicrobial Agents and Chemotherapy, Jan. 1997, p. 101-106	1/1997
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Aldridge, K., Ashcraft, D. 1996 BAY 12-8039, a new 8-methoxyquinolone: <i>in vitro</i> activity against clinically important anaerobes. Abstract and Poster F-15, p 102. <i>In</i> Program and abstracts of the 36 th Interscience Conference on Antimicrobial Agents and Chemotherapy, New Orleans, Louisiana.	1996
Aldridge, K., Ashcraft, D. 1997 Comparison of the <i>in vitro</i> activities of BAY 12-8039, a new quinolone, and other antimicrobials against clinically important anaerobes. 1997. Antimicrob Agents Chemother. 41:709-711.	March 1997

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<p>Brueggemann, A., Kugler, K., Doern, G. 1997. <i>In vitro</i> activity of BAY 12-8039, a novel 8-methoxyquinolone, compared to activities of six fluoroquinolones against <i>Streptococcus pneumonia</i>, <i>Haemophilus influenza</i>, and <i>Moraxella catarrhalis</i>. <i>Antimicrob Agents Chemother.</i> 41:1594-1597.</p>	July 1997
<p>Dalhoff, A. 1997. Dissociated resistance among fluoroquinolones. Abstract 3257, p 90. <i>In Program and abstracts of the 20th International Congress of Chemotherapy</i>, Sydney, Australia.</p>	1997
<p>Dalhoff, A. 1998. Lack of <i>in vivo</i> emergence of resistance against BAY 12-8039 in <i>S. aureus</i> and <i>S. pneumonia</i>. Abstract and poster 47.003, p124. <i>In Abstracts of the 8th International Congress on Infectious Diseases</i>, Boston, Massachusetts.</p>	1998

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<p>Everett, M., Piddock, L. 1998. Mechanisms of resistance to fluoroquinolones.</p> <p><i>In</i>: Kuhlmann, J., Dalhoff, A., Zeiler, H., J. eds. Quinolone Antibacterials, Berlin, Springer Verlag; p 259-296.</p>	1998
<p>Fass, R. 1997. <i>In vitro</i> activity of BAY 12-8039, a new 8-methoxyquinolone.</p> <p>Antimicrob Agents Chemother. 41:1818-1824.</p>	August 1997
<p>Felmingham, D., Robbins, M., <i>et al.</i> 1996. <i>In vitro</i> activity of BAY 12-8039 against bacterial respiratory tract pathogens, mycoplasmas and obligate anaerobic bacteria. Abstract, F-8, p 101.</p> <p><i>In</i> Program and abstracts of the 36th Interscience Conference on Antimicrobial Agents and Chemotherapy, New Orleans, Louisiana.</p>	1996
<p>Felmingham, D., Robbins, M., <i>et al.</i> 1997. <i>In vitro</i> activity of BAY 12-8039.</p> <p>Abstract & Poster. P1156, p285. <i>In</i> Program and abstracts of the 8th European Congress of Clinical Microbiology and Infectious Diseases, Lausanne, Switzerland.</p>	1997
<p>Gillespie, S., Billington, O. 1998. Activity of BAY 12-8039 against mycobacteria.</p> <p>Abstract and Poster 55.021, p 176. <i>In</i> Abstracts of the 8th International Congress on Infectious Diseases, Boston, Massachusetts.</p>	1998
<p>Goldstein, E., Citron, D., <i>et al.</i> 1997. <i>In vitro</i> activity of BAY 12-8039, a new 8-methoxyquinolone, compared to the activities of 11 other oral antimicrobial agents against 390 aerobic and anaerobic bacteria isolated from human and animal bite wound skin and soft tissue infections in humans.</p> <p><i>Antimicrob Agents Chemother.</i> 41:1552-1557.</p>	July 1997

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<p>Grosset, J., Lounis, N., <i>et al.</i> 1998. <i>In vitro</i> and <i>in vivo</i> activities of moxifloxacin and clinafloxacin against <i>Mycobacterium tuberculosis</i>. Abstract and Poster 55.014, p 175.</p> <p><i>In Abstracts of the 8th International Congress on Infectious Diseases, Boston, Massachusetts.</i></p>	1998
<p>Heisig, P., Wiedemann, B. 1997. <i>In vitro</i> activity of the new quinolone BAY 12-8039 against defined mutants of <i>Escherichia coli</i> and <i>Staphylococcus aureus</i>.</p> <p>Abstract and Poster F-140, p 169. <i>In Program and abstracts of the 37th Interscience Conference on Antimicrobial Agents and Chemotherapy, Toronto, Canada.</i></p>	1997
<p>Jacobs, E., Dalhoff, A., Brunner, H. 1996. Efficacy of BAY 12-8039 in <i>Mycoplasma pneumonia</i> infected guinea pigs. Abstract and Poster F-17, p 102.</p> <p><i>In Program and abstracts of the 36th Interscience Conference on Antimicrobial Agents and Chemotherapy, New Orleans, Louisiana.</i></p>	1996
<p>Ji et al., 1998</p> <p><i>In vitro</i> and <i>in vivo</i> activities of moxifloxacin and clinafloxacin against <i>Mycobacterium tuberculosis</i>.</p> <p>Antimicrob Agents Chemother. 42(8):2066-9.</p>	August 1998
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<p>Klugman, K., Capper, T. 1997. Concentration-dependent killing of antibiotic-resistant pneumococci by the methoxyquinolone moxifloxacin. <i>J Antimicrob Chemother.</i> 40:797-802.</p>	December 1997
<p>Kubitza, D., Stass, H., <i>et al.</i> BAY 12-8039, a new 8-methoxy-quinolone: Safety, tolerability and steady state pharmacokinetics in healthy male volunteers.</p> <p>Intersci Conf Antimicrob Agents Chemother, New Orleans, Louisiana, 1996 104 Abstr F25.</p>	1996
<p>Kubitza, D., Stass, H., <i>et al.</i> BAY 12-8039, a new 8-methoxy-quinolone: Safety, tolerability and steady state of pharmacokinetics in healthy male volunteers.</p> <p>Intersci Conf Antimicrob Agents Chemother, New Orleans, Louisiana, 1996, 104 Abstr F25.</p>	1996
<p>MacGowan, A., Bowker, K. <i>et al.</i> 1997. Bay 12-8039, a new 8-methoxy-quinolone: comparative <i>in-vitro</i> activity with nine other antimicrobials against anaerobic bacteria.</p> <p><i>J Antimicrobial Chemother.</i> 40:503-509.</p>	October 1997
<p>Maggiolo, F., Capra, R., <i>et al.</i> 1997. Subinhibitory concentrations of BAY 12-8039, pharmacodynamic effect <i>in vitro</i>. Abstract & Poster. F-147, p 171.</p> <p><i>In</i> Program and abstracts of the 37th Interscience Conference on Antimicrobial Agents and Chemotherapy, Toronto, Canada.</p>	1997

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Pong, A., Thomson, K., <i>et al.</i> 1997. Activity of BAY 12-8039 against staphylococcal and pneumococcal mutants with diminished susceptibility or resistance to ciprofloxacin. Abstract and Poster C-85, p 61. <i>In Program and abstracts of the 37th Interscience Conference on Antimicrobial Agents and Chemotherapy, Toronto, Canada.</i>	1997
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<p>Sullivan, J., Woodruff, M., <i>et al.</i> Pharmacokinetics and tolerability of the new methoxyquinolone BAY 12-8039: 10 days treatment at 400 mg daily.</p> <p>8 Eur Congr Clin Microbiol Inf Dis, Lausanne, Switzerland, 1997, Abstr p 389.</p>	1997
<p>Tarasi, A., Monaco, M., <i>et al.</i> 1997. Activity of BAY 12-8039 (B) in combination with vancomycin (V) or teicoplanin (T) against <i>S. aureus</i> (SA) isolated from infections unresponsive to glycopeptides (G).</p> <p>Abstract and Poster F-141, p 170. <i>In</i> Program and abstracts of the 37th Interscience Conference on Antimicrobial Agents and Chemotherapy, Toronto, Canada.</p>	1997
<p>Thomson, K., Backes, S., Sanders, C. 1996. Susceptibility to BAY 12-8039 of pneumococci and staphylococci with varying levels of ciprofloxacin resistance.</p> <p>Abstract and Poster F-16, p 102. <i>In</i> PROGRAM AND ABSTRACTS OF THE 36TH Interscience Conference on Antimicrobial Agents and Chemotherapy, New Orleans, Louisiana.</p>	1996
<p>Vesga, O., Conklin, R., <i>et al.</i> 1996. Pharmacodynamic activity of BAY 12-8039 in animal infection models.</p> <p>Abstract and Poster F-22, p 102. <i>In</i> Program and abstracts of the 36th Interscience Conference on Antimicrobial Agents and Chemotherapy, New Orleans, Louisiana.</p>	1996

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<p>Zhanel, G., Karlowsky, J., Hoban, D. 1998. <i>In vitro</i> activities of six fluoroquinolones against Canadian isolates of vancomycin-sensitive and vancomycin-resistant <i>Enterococcus</i> species.</p> <p>Diag Microbiol Infect Dis; 31:343-347.</p>	June 1998

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CERTIFICATE OF SERVICE

The undersigned counsel further certifies that, on January 25, 2008, copies of the foregoing document were sent to the following in the manner shown:

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